REGISTERED No. M. 4631.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. V]	Trivandrum, Tuesday, 11th October 1960 / 19th Asvina 1882 (Saka)	[No. 95.

Law Department

NOTIFICATION

No. 7607|B(u)1-57-Law. *Dated, Trivandrum, 11th October, 1960.*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 7th day of October, 1960.

By order of the Governor,
P. NARAYANASWAMI,
Law Secretary.

THE KERALA GAMING ACT, 1960

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ACT 20 of 1960

THE KERALA GAMING ACT, 1960

An Act to make better provision for the punishment of gaming and the keeping of common gaming houses in the State of Kerala.

Preamble.—Whereas it is expedient to make better provision for the punishment of gaming and keeping of common gaming houses in the State of Kerala;

Be it enacted in the Eleventh Year of the Republic of India as follows:—

1. *Short title, extent, and commencement.*—(1) This Act may be called the Kerala Gaming Act, 1960.

(2) It extends to the whole of the State of Kerala.

(3) It sball come into force at once.

2. *Definitions.*—In this Act, unless the context otberwise requires,—

(a) "common gaming house" means any house, room, tent, enclosure, vehicle, vessel or any place whatsoever in which cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, room, tent, enclosure, vehicle, vessel or place whether by way of charge for the use of instruments of gaming or of the house, room, tent, enclosure, vehicle, vessel or place or otherwise howsoever; and includes any house, room, tent, enclosure, vehicle, vessel or place opened, kept or used or permitted to be opened, kept or used for the purpose of gaming;

(b) "gaming" does not include a lottery but includes wagering or betting.

Explanation.—For the purposes of this definition, wagering or betting shall be deemed to comprise the collection or soliciting of bets, the receipt or distribution of winnings or prizes, in money or otherwise, in respect of any wager or bet, or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution;

(c) "instruments of gaming" include any article used or intended to be used as a subject or means of, or for the purpose of carrying on or facilitating or in connection with gaming any books, lists, tickets, forms or other documents used or

intended to be used as a register or record or evidence of gaming, the proceeds of any gaming, and any winnings or prizes in money or otherwise, distributed or intended to be distributed in respect of any gaming.

3. *Penalty for opening, etc., any enclosure, etc., for certain forms of gaming.*—Whoever—

(a) being the owner or occupier or having the use of any house, room, tent, enclosure, vehicle, vessel or place, opens, keeps or uses the same for the purpose of gaming—

(i) on a horse-race, or

(ii) on the market price of cotton, bullion or other commodity or on the digits of the number used in stating such price, or

(iii) on the amount or variation in the market price of any such commodity or on the digits of the number used in stating the amount of such variation, or

(iv) on the market price of any stock or share or on the digits of the number used in stating such price, or

(v) on the number of registration or on the digits of the number of registration of any motor vehicle using a public place, or

(vi) on any transaction or scheme of wagering or betting in which the receipt or distribution of winnings or prizes in money or otherwise is made to depend on chance, or

(b) being the owner or occupier of any such house, room, tent, enclosure, vehicle, vessel or place knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose of gaming on any of the objects aforesaid, or

(c) has the care or management of, or in any manner assists, in conducting the business of, any such house, room, tent, enclosure, vehicle, vessel or place, opened, occupied, kept or used for the purpose of gaming on any of the objects aforesaid, or

(d) advances or furnishes money for the purpose of gaming on any of the objects aforesaid with persons frequenting any such house, room, tent, enclosure, vehicle, vessel or place,

shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both:

Provided that in the absence of special reasons to be recorded in writing, the punishment to be imposed on an offender on conviction for an offence under this section shall be not less than imprisonment for one month or a fine of five hundred rupees.

4. *Penalty for being found in a gaming house.*—(1) Whoever is found in any house, room, tent, enclosure, vehicle, vessel, or place referred to in section 3, gaming on any of the objects specified in that section, or present for the purpose of gaming on any such object shall be punishable with imprisonment which may extend to one month or with fine which may extend to five hundred rupees or with both.

(2) Any person found in any such house, room, tent, enclosure, vehicle, vessel or place during any gaming therein on any of the objects specified in section 3 shall be presumed, until the contrary is proved, to have been there for the purpose of gaming on such object.

5. *Power to enter and search.*—If a Magistrate or any Police Officer not below the rank of a Sub-Inspector of Police upon credible information and after such inquiry as he may think necessary, has reason to believe that any place is used as a common gaming house, he may—

(a) after recording his reasons for such belief; either himself enter, or by his warrant authorise any officer of police not below the rank of a Head Constable to enter, with such assistance as may be found necessary, by night or by day, and by force, if necessary, any such place;

(b) either himself take into custody or authorise such officer to take into custody all persons whom he or such officer finds therein whether then actually gaming or reasonably suspected to have been present for purposes of gaming;

(c) seize or authorise such officer to seize all instruments of gaming, and all moneys and securities for money and articles of value reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein;

(d) search or authorise such officer to search all parts of such place, which he or such officer shall have so entered when he or such officer has reason to believe that any instruments of gaming are concealed therein and also the person of those whom he or such officer so takes into custody ; and

(e) seize or authorise such officer to seize and take possession of all instruments of gaming found upon such search.

6. *Cards, dice, etc. found in search under section 5 to be evidence that the place is a common gaming house.*—Any cards, dice, gaming tables, cloths, boards or other instruments of gaming found in any place entered or searched under section 5, or on any person found therein, shall be evidence, until the contrary is proved, that such place is used as a common gaming house and that the persons found therein were there present for the purpose of gaming although no play was actually seen by the Magistrate or Police Officer, or any of his assistants.

7. *Penalty for opening, etc., a common gaming house.*—Whoever opens, keeps or uses, or permits to be used any common gaming house, or conducts or assists in conducting the business of any common gaming house or advances or furnishes money for gaming therein, shall be liable on conviction to fine not exceeding five hundred rupees, or to imprisonment not exceeding three months, or to both.

8. *Penalty for being found gaming in a common gaming house.*—Whoever is found gaming or present for the purpose of gaming in a common gaming house shall, on conviction, be liable to fine not exceeding two hundred rupees or to imprisonment not exceeding one month; and any person found in any common gaming house during any gaming or playing therein shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

9. *Penalty for refusing to give name and address and for giving false name and address.*—If any person found in any common gaming house entered by any Magistrate or Officer of Police under the provisions of this Act, upon being arrested by any such officer, or upon being brought before any Magistrate, on being required by such officer or Magistrate to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address, he may, upon conviction before the same or any other Magistrate, be adjudged to pay any penalty not exceeding five hundred rupees, together with such costs as to such Magistrate shall appear reasonable, and on the non-payment of such penalty and costs, or in the first instance, if to such Magistrate it shall seem fit, may be imprisoned for any period not exceeding one month.

10. *Instruments of gaming may be ordered to be destroyed on conviction.*—On conviction of any person for keeping or using any such common gaming house or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming, found therein to be destroyed, and may also order all or any of the securities for money and other articles seized not being instruments of gaming, to be sold and converted into money, and the proceeds thereof with all moneys seized therein to be forfeited; or in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

11. *Proof of playing for stakes unnecessary.*—It shall not be necessary, in order to convict any person of keeping a common gaming house or of being concerned in the management of any common gaming house, to prove that any person found playing at any game was playing for money, wager, bet or stake.

12. *Magistrate may require any person apprehended to be sworn and give evidence.*—It shall be lawful for the Magistrate before whom any person shall be brought, who has been found in any house, room, tent, enclosure, vehicle, vessel or place entered under the provisions of this Act to require such person to be examined on oath or solemn affirmation and give evidence touching any unlawful gaming in such house, room, tent, enclosure, vehicle, vessel or place or touching any act done for the purpose of preventing, obstructing or delaying the entry into such house, room, tent, enclosure, vehicle, vessel or place or any part thereof, of any Magistrate or Officer authorised as aforesaid.

No such person shall be excused from being so examined when brought before such Magistrate as aforesaid, or from being so examined at any subsequent time by or before the same or any other Magistrate or by or before any court on any proceeding or trial in any way relating to such unlawful gaming or from answering any question put to him touching the matter aforesaid on the ground that his evidence will tend to criminate him. Any such person so required to be examined as a witness who refuses to make oath or take affirmation accordingly or to answer any such question as aforesaid, shall be considered to have committed the offence described in section 178 or section 179, as the case may be, of the Indian Penal Code (Central Act 45 of 1860).

13. *Witnesses indemnified.*—Any person, who shall have been concerned in gaming contrary to this Act and who shall be examined as a witness before a Magistrate on the trial of any person for breach of any of the provisions of this Act, relating to gaming and who, upon such examination shall, in the opinion of the Magistrate, make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined, shall thereupon receive from the said Magistrate a certificate in writing to that effect and shall be free from all prosecutions under this Act for anything done before that time in respect of such gaming.

14. *Act not to apply to certain games.*—Nothing in the foregoing provisions of this Act shall be held to apply to any game of mere skill wherever played.

15. *Penalty for gaming and setting birds and animals to fight in public places.*—(1) Whoever is found playing for money or other valuable thing, with cards, dice, counters or other instruments of gaming, any game not being a game of mere skill in any public street, road or thoroughfare or in any place to which the public have or are permitted to have access; or any person setting any birds or animals to fight in any public street, road or thoroughfare or in any place to which the public have or are permitted to have access or any person there present aiding or abetting such public fighting of such birds or animals shall be liable on conviction to imprisonment not exceeding one month or to fine not exceeding two hundred rupees or to both.

(2) Any Police Officer, who arrests any person committing an offence under sub-section (1) may seize all the instruments of gaming found in such public place or on the person of those whom he shall so arrest and the Magistrate shall, on conviction of the offender, order such instruments to be forfeited.

16. *Offences by whom triable.*—Offences punishable under this Act shall be triable by any Magistrate of the first or second class having jurisdiction in the place where the offence is committed.

17. *Penalty for subsequent offences.*—Whoever having been convicted of any offence punishable under section 3 or section 4 of this Act shall again be guilty of any offence punishable under

either of those sections shall be subject, for every such subsequent offence, to double the amount of punishment to which he would have been liable for the first commission of an offence of the same description.

18. *Payment of portion of fine to informer.*—(1) The Magistrate trying the case may direct any portion not exceeding one-half of any fine which shall be levied under section 3, 4, 7 or 8 and of the moneys or proceeds of articles seized and ordered to be forfeited under section 10 to be paid to informants and police officers who may have assisted in the detection of the offender. A direction under this sub-section may also be made by any court of appeal, reference or revision.

(2) Where a direction is made under sub-section (1) the Magistrate concerned shall send the amount to be paid under that sub-section to the District Superintendent of Police, who shall distribute it directly among such of the informants and Police Officers aforesaid as may be chosen by him and in such proportions as he thinks fit.

(3) The amount aforesaid shall not be sent to the District Superintendent of Police until the expiry of three months from the date of the direction under sub-section (1), or if an appeal is presented within that period, until the appeal has been disposed of.

19. *Police may arrest without warrant on view of offence.*—Any Police Officer may arrest without a warrant any person committing in his view any offence made punishable by this Act.

20. *Repeal.*—The Travancore Public Gambling Act, III of 1071, the Cochin Public Gambling Act, IV of 1082 and the Madras Gaming Act, 1930 (III of 1930) in its application to the Malabar District referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956, are hereby repealed.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1960.

Abstract

PUBLIC SERVICES—THE KERALA AGRICULTURAL INCOME TAX AND SALES TAX SERVICE—SPECIAL RULES—ISSUED.

PUBLIC (RULES) DEPARTMENT

G. O. (P) No. 641. Dated, Trivandrum, 3rd October 1960.

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and of all other powers hereunto enabling and in supersession of all rules and orders on the subject, the Governor of Kerala hereby makes the following rules for the Kerala Agricultural Income Tax and Sales Tax Service, namely:—

RULES

1. *Constitution:*—The service shall consist of the following categories of officers, namely:—

Category	1	Secretary (Taxes), Board of Revenue, Deputy Commissioners of Agricultural Income Tax and Sales Tax and Departmental Member of Sales Tax Appellate Tribunal.
Category	2	Appellate/Inspecting Assistant Commissioners of Agricultural Income Tax and Sales Tax, Assistant Secretary (Taxes), Board of Revenue and Secretary, Sales Tax Appellate Tribunal.
Category	3	Agricultural Income Tax Officers, Intelligence Officers, Sales Tax Officers, Agricultural Income Tax and Sales Tax Officers.

2. *Appointment:*—(a) Appointment to the various categories shall be made as follows:—

Category. (1)	*Method of appointment.* (2)
1. Secretary (Taxes), Board of Revenue, Deputy Commissioners of Agricultural Income Tax and Sales Tax and Departmental Member of Sales Tax Appellate Tribunal.	Promotion from Category 2.
2. Appellate/Inspecting Assistant Commissioners of Agricultural Income Tax and Sales Tax, Assistant Secretary (Taxes) Board of Revenue and Secretary, Sales Tax Appellate Tribunal.	Promotion from Category 3.

(1)	(2)
3. Agricultural Income Tax Officers, Intelligence Officers, Sales Tax Officers and Agricultural Income Tax and .ales Tax Officers	Recruitment by transfer of Assistant Sales Tax Officers, Junior Agricultural Income Tax Officers, Sales Tax Inspectors, Agricultural Income Tax Inspector, Intelligence Inspector and Checkpost Inspectors of the Kerala Agricultural Income Tax and Sales Tax Subordinate Service.

(b) Appointment to the above categories shall be made from select lists prepared from among eligible officers on the basis of merit, ability and seniority, (seniority being considered only where merit and ability are not lacking). Persons included in a select list shall be ranked in the order of their seniority.

3. *Appointing Authority*:—The appointing authority for the posts in category 3 shall be the Board of Revenue.

4. *Qualification*:—No person shall be eligible for appointment to Category 3 by transfer from the Kerala Agricultural Income Tax and Sales Tax Subordinate Service, unless he has satisfactorily completed his probation in the said service.

5. *Probation*:—Every person appointed to categories 1 and 2 shall from the date on which he joins duty be on probation for a total period of one year on duty within a continuous period of two years and every person appointed to category 3 shall from the date on which he joins duty be on probation, for a total period of two years on duty within a continuous period of three years.

6. *Postings and Transfers*:—Postings and transfers of members of the service in Category 2 shall be made by the Board of Revenue.

By order of the Governor,
A. G. MENON,
Chief Secretary.

To

The Superintendent of Government Presses.
The Board of Revenue.
The Secretary, Kerala Public Service Commission (with C. L.).
The Public (Services-B) and Public (Services-C) Departments.
The Revenue Department.
The Private Secretary to the Chief Minister.
The Private Secretaries of all Ministers.
The Accountant-General, Trivandrum.

Kerala Gazette No. 40 dated 11th October 1960.
PART I

Abstract

PENSION — CONTINGENCY EMPLOYEES ABSORBED INTO REGULAR SERVICE PRIOR TO 2-9-1957—SERVICE UNDER CONTINGENCY—COUNTING FOR PENSION—REVISED ORDERS ISSUED.

FINANCE DEPARTMENT

G. O. (P). No. 463/60/Fin.

Dated Trivandrum, 26th September 1960

Read: —(1) G. O. (P) No. 365/59/Fin. dated 13-7-1959.

ORDER

In para (ii) of the G. O. read above, Government ordered that Contingent employees absorbed or promoted to regular service prior to 2-9-1957 and who were in service on 6th June 1959 would be permitted to count 50% of their continuous full-time contingency service for purposes of pension.

It has since been represented that the above concession of counting 50% of the Contingency service for purposes of pension might be extended to officers who have retired from service prior to 6-7-1959. Government, after examining the question, are pleased to order that the concessions in the G. O. dated 13-7-1959 will be extended to those contingent employees who were absorbed or promoted to regular service prior to 2-9-1957 and who retired on 2-9-1957 or subsequently.

The orders in para (ii) of the G. O. read above is modified accordingly.

By order of the Governor,
A. PONNAMMA,
Assistant Secretary.

To

The Accountant General.
All Heads of Departments and Offices.
All Departments of the Secretariat.
The Secretary, Public Service Commission (with C. L.)
The Registrar, High Court do.
The Secretary to the Governor.
The Comptroller, Governor's Household.
All Secretaries, Joint Secretaries, Addl. Secretaries, Deputy Secretaries and Assistant Secretaries.
The private Secretaries to the Ministers.
The Gazette.

G. 2902.

Kerala Gazette No. 40 dated 11th October 1960.
PART I

Health and Labour Department (Labour)

NOTIFICATION

No. 61801|L2|60|H&LD. *Dated, Trivandrum, 17th September 1960.*

The award of the Industrial Tribunal, Trivandrum, in respect of the dispute between the Management of Lekshmi Handloom Weavers' Industrial Co-operative Society Ltd., No. H-131, Karamana, Trivandrum and their workmen represented by the General Secretary, Trivandrum Textile Staff Association, C|o U.T.U.C. Office, Vanrose Junction, Trivandrum, received by Government on 13-9-1960 is hereby published under Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,

V. V. JOSEPH,
Secretary.

Before

SRI K. PURUSHOTHAMAN NAIR, B.A., B.L.,
Industrial Tribunal, Trivandrum

INDUSTRIAL DISPUTE No. 46|1959

Between

THE MANAGEMENT OF
LEKSHMI HANDLOOM WEAVERS' INDUSTRIAL CO-OPERATIVE SOCIETY LTD.,
No. H-131, KARAMANA, TRIVANDRUM

And

THE WORKMEN OF
THE ABOVE CONCERN REPRESENTED BY THE GENERAL SECRETARY, TRIVANDRUM TEXTILE STAFF ASSOCIATION, C|o UTUC OFFICE, VANROSE JUNCTION TRIVANDRUM-1.

Representation:

1. Sri K. Karthikeyan Nair, Advocate, Trivandrum—On behalf of the Management.
2. Sri N. Krishnan Kutty, Advocate, Trivandrum—On behalf of the Workmen.

AWARD

Government by Order No. 53977|L2|59-1|L&LD dated 18-11-1959 referred to this Tribunal for adjudication the Industrial Dispute between the Management of Lekshmi Handloom Weavers' Industrial Co-operative Society Limited, Karamana and the workmen of the concern represented by the Trivandrum Textile Staff Association and the matter referred relates to the dismissal of Sri V. P. Bhaskaran Nair, Depot Manager of the above Society.

2. Sri V. P. Bhaskaran Nair was the Depot Manager in the sales depot owned by the Industrial Co-operative Society and he was appointed in that post on 10-9-1958 on his furnishing property security for Rs. 2000 as required by the Society. He was in charge of the textile goods entrusted to him for sale in the depot and as Depot Manager he had to send up daily reports of the goods sold showing details of the sales effected, the amounts remitted in Bank and the cash balance at his hands. On 20-6-1959 the Secretary of the Society informed the Depot Manager by Ext. M3 Memo that it has been decided to conduct the physical verification of stock and cash at the depot on 30-6-1959 and that he will see that the accounts and cash are brought up-to-date. Three of the Directors of the Board and an auditor of the Department of Industries inspected the depot on the 1st and 2nd of July, 1959 and at the time of verification of stock and cash balance, the Depot Manager produced a cash balance of Rs. 85 only against a book balance of Rs. 277-25 nP. The Secretary of the Society then issued Ext. W2 notice dated 4-7-1959 calling upon him to show cause why he should not be dismissed from service for criminal misappropriation of funds, and the deficiency found at the time of inspection recovered from him. He was placed under suspension until further orders. On 7-7-1959 the employee made good the deficiency and gave Ext. W3 explanation stating that the deficiency was due to his having given on credit goods worth Rs. 192-25 nP. in his own responsibility. The Secretary found the explanation to be unsatisfactory and intimated the employee by Ext. M7 memo that it is proposed to dismiss him from service. He was also asked if he so desired to show cause before the evening of 18-7-1959 why he should not be dismissed. To this he submitted another explanation (Ext. M8) in which he has stated that in the nature of the trade, goods had to be sold on credit and that at times amounts had to be kept in his personal account. He has also stated in Ext. M8 that the selling of goods belonging to the Society on credit has been an accepted practice from the very beginning and that the same could be seen from the daily reports sent by him. In this explanation he also gave a list of the persons including the Secretary of the Society who had purchased goods on credit. The Secretary then submitted Ext. M9 report to the Board recommending to dismiss him from service and the Directors of the Board by Order dated 26-7-1959 dismissed him from service, after finding him guilty of the charge of misappropriation.

3. Now the Union would challenge the order of dismissal on two main grounds.

(1) The employee has been dismissed from service arbitrarily without any enquiry whatsoever and in violation of all principles of natural justice.

(2) The finding that he was guilty of misappropriation of funds belonging to the Society is wrong, perverse and against facts. The employee has been in sole charge of the goods entrusted for sale and he with a view to improve the sales, used to sell goods on credit to some of the chosen and dependable customers employed in the offices around the sales depot and some employees of the Society, on his personal responsibility from the very beginning the depot was started and that he used to submit daily reports to the Secretary in respect of the sales, the stock

and the cash. The authorities of the Society were aware of the practice of giving goods on credit, to which they never objected, and in fact, they had given him consent to sell goods on credit.

4. According to the Management the employee was given sufficient opportunity to let in evidence to prove his case which he did not avail himself of and the misconduct and the misappropriation of the employee are so patent that there was no need for further explanation and evidence in the matter.

5. On the merits of the case the Management would contend as follows:

(1) The Employee was never authorised either on his own risk or otherwise to sell goods on credit to anybody and the authorities had never given him consent to sell goods on credit. On the other hand the employer has specifically instructed the Depot Manager not to effect sales except on cash.

(2) The case that the credit sale was an accepted practice is disproved by the daily reports submitted by the employee himself.

(3) The employee was not carrying out the work to the satisfaction of the employer and on many previous occasions he was warned against his malpractices in the discharge of his duties. His daily reports in respect of the sales, the stock and the cash balance on many occasions were found incorrect and suspicious.

6. Now turning to the question whether the dismissal has been effected arbitrarily and in violation of all principles of natural justice, it is admitted that no enquiry was conducted and that as the misconduct and the misappropriation were so patent that there was no need for further evidence on them. As seen from the first memo calling for his explanation the charge levelled against the employee is criminal misappropriation of funds belonging to the Society. In his first explanation dated 7-7-1959 the employee has stated that he has not committed any misappropriation and that the shortage at the time of inspection represents the amounts for goods sold on credit on his responsibility and which he expected to collect from the persons concerned and remit before the 2nd of July on which date the verification was completed. The Secretary of the Society then informed the employee by Ext. W4 memo that his explanation is not acceptable as *prima facie* there were grounds to believe that he was guilty of criminal misappropriation, that the Society has proposed to dismiss him from service and that if he wanted he may show cause why he should not be dismissed from service. To this, the employee gave a detailed explanation stating that the selling of goods belonging to the Society on credit has been an accepted practice from the very beginning which fact would be evident from the daily reports submitted by him, that he has not been advised for the last 11 months since he took charge that he should not sell the goods on credit, that, on the other hand, he was being encouraged to continue such a practice for the easy sale of the Society's goods and that the Secretary too has made purchases on several occasions on credit which would be testified by the records of the Depot. Along with his explanation he has also furnished the names of the persons who had taken goods on credit, the amounts due from each and the numbers of cash bills by which such credit sales were effected. If as a matter of fact there was a practice of selling goods on credit and the shortage was on account of such credit sales, certainly

that would exonerate him the charge of criminal misappropriation. Admittedly no opportunity was given him to substantiate the allegations in his explanation and to show that the persons mentioned in his explanation have actually taken goods on credit. After the second explanation by the employee what he gets next is the dismissal order issued to him by the Board of Directors. It appears that the Secretary has after taking the second explanation from the employee straightaway sent up his report recommending his dismissal. As seen from his report Ext. M9 the Secretary was not prepared to accept the case of sale on credit since all the bills made mention of by the employee in his explanation were cash bills. The report of the Secretary is dated 26-7-1959 and on that date itself the Board passed the impugned order without making any further enquiry.

7. From the above narration of the events which culminated in the dismissal of the employee it is patently clear that the decision to dismiss him was taken without giving him an opportunity to substantiate his defence. Ext. W2 and W4 memos issued to the employee show that the Secretary has found him guilty of criminal misappropriation even before he was asked to explain for the alleged misconduct. What the employee was asked in the first notice calling for his explanation was not that he should show cause why action should not be taken against him (as is usually done) but to show cause why he should not be dismissed from service. So also by the second notice the employee was informed that it was decided to dismiss him from service and yet in the very same notice he was asked to show cause why he should not be dismissed. The employee then gave a detailed explanation quoting facts and figures. In this explanation he has stated that several persons including the Secretary had taken goods on credit even though cash bills were issued for such sales and that the shortage at the time of inspection was on account of such credit sales. In view of the specific averments made in the second explanation the Secretary ought to have given the employee an opportunity to prove them; more so in this case since the charge levelled against him is a grave one, of criminal misappropriation. Further the Secretary himself has admitted in cross examination that he did not give any opportunity to prove that himself and others named in the explanation had purchased goods on credit. In such circumstances it was not proper on the part of the Secretary to have proceeded with the disciplinary matter himself, in view of the specific allegation that he too had purchased goods on credit. In fairness to the employee he ought to have referred the matter to the Board of Directors to enable them to form their own independent judgment after due enquiry. It is admitted by the Secretary himself in the box that the Directors did not make any independent enquiry in the matter but simply approved the recommendation to dismiss the employee. Thus the manner in which the employee was dealt with, from start to finish is highly improper and unfair and as no opportunity was given to the employee to prove his innocence it must be held that the impugned dismissal was brought about in violation of the principles of natural justice.

8. This takes us to the further question whether the Management was justified in dismissing the employee from service. I have already stated the contentions of the parties on this point. The whole question centres round the alleged practice of credit sales. The Union has set up a definite case that goods had to be sold on credit for easy sale of the

goods of the Society, that the Management was fully aware of the practice of selling goods on credit and that the Management by their conduct had approved such credit sales. It was also pointed out that the daily reports showing the cash balance, the remittances and the daily sales will give convincing proof of the practice of effecting credit sales and that the same had the concurrence of the authorities. The Management would deny the above averments and contend that the employee was not having a clean record of service as Depot Manager, that he was on several occasions warned against malpractices in the discharge of his duties, that the Management had specifically instructed him not to sell on credit and finally that there is no such practice of selling goods on credit.

9. I may state at the outset that there is not a shred of evidence adduced in this case to show that the employee's record of service as depot manager was not good or that he indulged in any malpractices or that he was at any time warned for improper conduct. There is also no evidence to support the allegation that his daily reports in respect of sales, the stock and the cash balance on many occasions were found incorrect and suspicious. It has further to be noted that neither the Secretary nor the Chairman of the Board of Directors when examined in this case, has spoken a syllable about the above averments. Thus the case of the Management that his previous conduct was suspicious or was not above board stands disproved.

10. Now the contentions of the Management on the alleged practice of credit sales are twofold—

(1) that there was no such practice and the same would be evident from the daily reports sent by the Depot Manager and

(2) that he was specifically instructed not to effect sales except on cash.

11. In Paragraph 6 of the counter statement of the Management it is stated that the authorities have never authorised the employee to sell goods on credit and the employer had specifically instructed him not to effect sales except on cash. But the Secretary when he was examined in this case has clearly admitted that the Management has never issued any instruction to the effect that goods should be sold only on cash. Thus even on their showing it could not be said that there was any prohibition against sale of goods on credit as contended by the Management in its counter statement. The case of the Union is that the Depot Manager used to sell goods on credit on his personal responsibility to some of the chosen and dependable customers including some employees of the Society and that the authorities have all along been acquiescing in and even encouraging such sales. The Union would rely on the sales report in support of the above case. The Management also would rely on the daily reports to substantiate their contention that all the sales in the Depot were effected on cash payment. Exts. M10 and M11 are the carbon copies of daily reports sent by the Depot Manager to the Society. There are four columns at the foot of the daily report to note down the opening balance, the sales of each day, the remittances made on each day and the closing balance. The closing balance of the previous day will be the opening balance of the succeeding day. So details regarding daily sales and the cash balance remaining in the hands of the Depot Manager can be easily seen on a perusal of the daily reports.

It is also come out in evidence that there is a cash book maintained in the sales depot to note down the cash received, sales effected etc. The Secretary has deposed that the Depot Manager has to remit every day the amounts realised by sales on the previous day, either in the Bank or in the Society as directed by the Management and that the depot manager was allowed to retain in his hand only a small margin of Rs. 10 or 15. He has also stated that he used to visit the depot and check up the cash balance with the cash book. According to him all the sales were cash sales and since cash bills were issued for sales effected there could not be anything like credit sales. In fact the main contention of the Management appears to be that since only cash bills were issued for sales effected and further as there is nothing in the daily reports to show that goods were sold on credit, it should be presumed that sales in the depot were only cash sales. The employee on the other hand has deposed that from the very beginning he used to give on his own responsibility goods on credit to certain selected persons including persons employed in the Society and issue cash bills after noting down the price of goods given on credit in a rough note book, that on account of such sales he would not be able to remit the whole money found due under the cash bills and that the amounts due under credit sales would be remitted along with amounts realised on cash sales as and when they are collected. He has further stated that in view of the nature of the sales effected in the Dpot he was allowed a big margin which at times had exceeded Rs. 500 and that the facts spoken to by him would be borne out by the entries in Ext. M10 and M11 and the cash book kept in the depot.

12. The daily reports Ext. M10 and M11 relate to a period from 16-2-1959 to 25-9-1959 of which the concerned employee was the Depot Manager till July, 1959. A perusal of the figures in the daily reports will bring home the fact that the employee was allowed to keep with him a margin far in excess of the amounts spoken to by the Secretary and at times amounts even exceeding Rs. 500. From Exts. M10 and M11 it can be seen that the daily sales on an average is below Rs. 100. If as is contended by the Management the sales in the depot were strictly confined to cash sales and if the sale proceeds of the previous day have to be remitted in the Bank the succeeding day, on no day could the cash balance exceed Rs. 100 or 150. The reports of the sales are sent every day for verification by the Secretary and if the sales were for cash only and no margin as contended by the employee was allowed for adjustment of credit sales, it is highly improbable that the employee would be allowed to keep with him unaccounted, sums to the tune of Rs. 250, 300 and at times Rs. 500 for days and weeks together. No explanation is offered by the Secretary as to how, he permitted the employee to carry on the routine work of the depot with an average of Rs. 300 as cash balance in his custody. It is admitted that the Secretary used to check the cash book maintained in the Sales Depot with the cash balance occasionally and yet we find no action, not even a warning that the employee was retaining unauthorisedly money belonging to the Society. Further the vast difference between the closing balance of the previous days and the remittances on succeeding days could never escape the notice of the Management and the only inference possible is that all sales effected in the Depot were not for cash and the sales effected must cover credit sales also which had the approval of the acquiescence of the authorities

concerned. It was stressed on behalf of the Union that the Secretary had approved of the mode of sale, the collection and remittance of amounts realised both from credit as well as cash sales and that the same would be evident from the cash book. At the instance of the Union I directed the Management to produce the cash book. The chairman of the Board when examined in this case also undertook to produce the cash book but in spite of the direction and the undertaking by the Chairman, the same has not been produced. Since the main contention of the parties centres round the alleged practice of credit sales, the non-production of the cash book which has direct bearing on the question at issue, will naturally cast some suspicion on the bona fides of the contentions of the Management.

13. The Union has examined the Store-keeper of the Management Society to prove the practice of the credit sales in the Depot. He is one of the persons cited in Ext. M8 explanation. He has deposed that himself and several others in the Society used to take goods both on cash and credit from the Depot and that he used to pay the price of the goods taken on credit within a few days or weeks of the purchase. He has also stated that the Depot Manager used to issue cash bills for credit sales also. This witness is an employee under the Society having 15 years service and nothing has been brought out in his cross-examination to discredit his evidence. The evidence of this witness fully corroborates the version of the concerned employee regarding the practice of giving goods on credit.

14. It has also to be noted that the plea based on credit sales was raised by the employee even from the very beginning. When he was served with Ext. W2 notice to show cause why he should not be dismissed from service he gave Ext. W3 explanation in which he has stated that the deficiency in the cash balance at the time of inspection represents the price of goods sold on credit on his sole responsibility, that he expected that the customers who had taken goods on credit would be paying up the whole amount before the 2nd of July and that in the meanwhile he had handed over to the Secretary amounts that he received from customers at the time of the inspection after satisfying the Directors that they have been collected from the customers and that but for the fact that he had given credit to dependable persons he is no way guilty of any misappropriation as alleged in the memo. The inspection, it must be remembered, was not a surprise inspection but one made after 10 days notice. The employee is a person who has given security for Rs. 2000 and the amount involved was below Rs. 200. A portion of this amount he handed over to the Secretary in the course of the inspection and the rest was paid in cash within three or four days. These amounts according to the employee were collected from the customers who had taken goods on credit. The explanation if viewed in the context of the above circumstances can be seen to be consistent only with his plea of innocence and the practice of credit sales which has been amply borne out by the evidence in this case.

15. Thus from the foregoing discussion it is clear that the Management was not justified in proceeding against the employee for criminal misappropriation. The evidence and circumstances disclosed in this case do not at all warrant a finding of guilty on the charge levelled against the employee. The finding of the Management was arrived at arbitrarily and as there has been no misappropriation of funds belonging to the

Society the finding must be held to be perverse. No circumstance has been pointed out as to why the usual relief or reinstatement should be denied to the employee. I therefore direct the Management to reinstate the employee in service in the Sales Depot. As regards the claim for back wages I think that a direction to pay one half of his pay for the period from the date of his dismissal till he is reinstated in service as per this award would be just and appropriate in the circumstances of this case. Ordered accordingly. The employee will be reinstated in service within fifteen days from the date of the publication of this award in the Gazette. No order as to costs.

Trivandrum,

10-9-1960.

K. PURUSHOTHAMAN NAIR,
Presiding Officer,
Industrial Tribunal.

APPENDIX

1. List of witnesses examined on the Management side.

EW1 Sri R. Parameswara Warrier.

EW2 Sri J. Gopalakrishnan.

EW3 Sri K. Soman Nair.

2. List of witnesses examined on the workmen side.

WW1 Sri S. Sankaran.

WW2 Sri Shanmugham Pillai.

WW3 Sri V. P. Bhaskaran Nair.

3. List of documents marked on the Management side.

Ext. M1 A copy of a memo dated 6-9-1958 from the Secretary to Sri V. P. Bhaskaran Nair.

" M2 A letter dated 7-7-1959 from Sri Bhaskaran Nair to the Secretary of the Society.

" M3 A copy of a memo dated 20-6-1959 from the Secretary to the Depot Manager.

" M4 A carbon copy of Memo No. 3799 dated 5-5-1959.

" M5 A carbon of the cash memo No. 4489 dated 7-7-1959 of the Society.

" M6 A Triplicate copy of the cash memo No. 3528 dated 11-4-1959

" M7 A copy of a memo dated 13-7-1959 from the Society to Sri V. P. Bhaskaran Nair.

" M8 A letter dated 17-7-1959 from Sri V. P. Bhaskaran Nair to the Secretary of the Society.

" M9 A copy of a report submitted by Sri R. P. Warrier, Secretary of the Society on the Board Meeting held on 26-7-1959.

" M10 Daily report book of the Society for the period from 16-2-1959 to 8-6-1959.

" M11 Daily report book of the Society for the period from 9-6-1959 to 25-9-1959.

4. List of documents marked on the workmen side.

Ext. W1 A letter dated 24-12-1956 from the Secretary of the Society to the Depot Manager.

„ W2 A copy of a memo dated 4-7-1959 from the Secretary of the Society to Sri V. P. Bhaskaran Nair.

„ W3 A copy of a letter from Sri V. P. Bhaskaran Nair dated 7-7-1959 to the Secretary of the Society.

„ W4 A copy of a memo dated 13-7-1959 from the Secretary of the Society to Sri V. P. Bhaskaran Nair.

„ W5 A copy of a letter from V. P. Bhaskaran Nair to the Secretary of the Society dated 17-7-1959.

„ W6 A copy of an Order passed by the Director Board at the meeting of the Board of Directors held on 26-7-1959.

„ W7 A letter dated 29-7-1959 from the General Secretary, Trivandrum Textile Staff Association to the Secretary of the Society.

„ W7(a) A letter dated 29-7-1959 from the General Secretary of the Trivandrum Textile Staff Association to the Secretary of the Society.

„ W8 A copy of a letter dated 19-11-1958 from the Secretary of the Society to the Depot Manager, Retail Sales Depot, Trivandrum.

Health and Labour Department (Labour A)

NOTIFICATION

No. L4-58560|60|H&LD. *Dated, Trivandrum, 7th September 1960.*

The award of the Labour Court, Quilon in respect of the dispute between Sri Mooken Kochouseph Antony, Proprietor, Mooken's Mills, Trichur and the workmen of the Mill represented by the Mooken's Mills Workers' Congress, Trichur received by Government on 29-8-1960 is hereby published under Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,

T. KRISHNAN NAIR,

Secretary.

Before the Labour Court, Quilon

Present:

SRI P. SANKU PILLAI, B.A. & B.L.,

In

INDUSTRIAL DISPUTE No. 92|59

Between

SRI MOOKEN KOCHOUSEPH ANTONY
PROPRIETOR, MOOKEN'S MILLS, TRICHUR

And

THE WORKMEN OF
THE MILL REPRESENTED BY THE GENERAL SECRETARY, MOOKEN'S MILLS WORKERS CONGRESS, TRICHUR.

AWARD

This industrial dispute between the above parties was referred to me by Government for adjudication under Section 10(1)(c) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947), by Order No. L4-59858|59|L&LAD dated 8-12-1959. The questions referred for adjudication relate to:—

"1. Non-engagement of workers T. V. Thomas and U. R. Lonappan from 19-10-1959.

2. Dismissal of workers namely:

1. Chandy Ouseph.
2. Nediamprath Velappan.
3. Vadukkancherry Kochuttan.
4. Kanjirathingal Krishnan.
5. Ookken Anthony.
6. Valappila Chakkunny.
7. Kuttukaran Kochappu.
8. Vezhaparamban Pyloth.
9. Thaliath Esthappanose.

10. Mannan Velayudhan.
11. Chirammel Rappai.
12. Pariyappadan Chakkappan.
13. Karayil Ayyappan.
14. Plavalappil Kunjayyappan.
15. Kallikkaden Ouseph.
16. Arangassery Ittyanam.
17. Kuttichera Parvathy.
18. Parakkal Valliamma.
19. Adoli Ammukutty.
20. Marokki Kochumariam.
21. Chungath Vareed Anthony.
22. Chundayil Ravunny.
23. Parekadan Rappai.
24. Chakkalakkal Thressia.

3. Non-payment of wages for 16-11-1959, 17-11-1959 and 18-11-1959".

The case put forward by the Union is as follows:—

The workers T. V. Thomas and U. R. Lonappan were suspended with effect from 19-10-1959 pending enquiry. These two workers are the Vice-President of the Union and the executive member of the executive committee of the Union repesctively. The reasons alleged for suspending them are all baseless and false. The suspension is meted out for victimising them for their active trade union activities. The suspension is challenged as being unjustified, illegal and opposed to principles of natural justice. Ever since the suspension, no steps have been taken to conduct a domestic enquiry. That was postponed under some pretext or other in order to keep them out from service. The workers are still unemployed. They are entitled to be reinstated with all their back pay and allowances.

In pursuance of the suspension of the two workers the Union made attempts to get the matter conciliated. But all those attempts ended in failure and the Union was constrained to issue a strike notice dated 29-10-1959 and a strike was launched with effect from 17-11-1959. Thereupon the management declared a lock-out from 18-11-1959 on which date there was also a conciliation posted by the Assistant Labour Officer.

On 18-11-1959 the Union was served with a notice alleged to be a copy of those served on those dismissed workmen to show cause within 48 hours why they should not be dismissed from service. On 19-11-1959 the 24 workmen (in issue No. 2) over and above those two suspended workers were dismissed from service. The dismissal is unjust, illegal and opposed to principles of natural justice. No show cause notice was issued to the workmen. There was no domestic enqulry. Out of these 24 workers, the management has now employed two workers. Hence the workers are entitled to be reinstated with all their back pay and allowances.

On 16-11-1959, 17-11-1959 and 18-11-1959 the workers reported for duty. 16-11-1959 was a working day and all the workers attended duty. But the day's wage has not been paid to them for reasons unknown. A strike ensued with effect from 17-11-1959 and on 18-11-1959 the management declared a lock-out. From 19-11-1959 the company re-started work with the aid of the two workers and new recruits. The workers concerned have been thrown out of employment for no fault of theirs, and hence they may be granted wages for the above dates.

It is therefore prayed that an award be passed in favour of the Union with costs.

In the reply statement filed by the management the following contentions are raised:—

Sri T. V. Thomas and U. R. Lonappan were suspended for substantial and cogent reasons. They were guilty of grave acts of misconduct. The management never thought that the Union is functioning because of them. The suspension is not illegal, unjust or opposed to natural justice.

The Union had not issued any strike notice as contemplated and compelled by law and as such the trike in question is illegal. Show cause notices were issued to all the workmen involved, and its copies sent to the Union. The allegation that 24 workmen were dismissed abruptly is denied. The workmen did not submit any explanation for the simple reason that they had absolutely no explanation to put forward. The action of the management in suspending T. V. Thomas and Lonappan has nothing to do with their alleged trade union activities. They were suspended and later on dismissed from service under the following circumstances. On 15-10-1959 they conducted themselves in an unruly and insolent manner within the mill premises and they went to the extent of physically handling another worker by name Kochappu Anthony. On the very same day the said Anthony submitted a written complaint to the management stating that T. V. Thomas caught hold of him and unlawfully restrained him while Lonappan fisted him several times. Hence the management issued notices dated 17-10-1959 to show cause why action should not be taken against them. Since they did not accept the notices they were put on the notice board. They did not care to offer any explanation. The management issued a charge sheet dated 19-10-1959 setting out all the charges and suspended the above workers with effect from 19-10-1959, pending enquiry. On 19-11-1959 the management issued notices intimating them that the enquiry stands posted to 24-11-1959. But the Union wrote to the management on 20-11-1959 categorically asserting that the workmen concerned will not appear for the enquiry and as a matter of fact the workmen purposely abstained from attending the enquiry. The management conducted the enquiry and examined the witnesses. On a consideration of the evidence of the witnesses, the management found the delinquents guilty of the misconduct with which they stood charged. Therefore the management issued orders dated 24-11-1959 dismissing the said workers. Now the above workers are employed elsewhere. They are not entitled to be reinstated with or without back wages.

The strike that was launched on 17-10-1959 pending conciliation was highly illegal. No strike notice was issued to the management. The sole object of the union was to cause a stand still to the industry and occasion loss to the management, and it was not in furtherance of any industrial dispute that the strike was launched. Even before the launching of the strike the union was systematically pursuing a policy of go-slow, as a result of which the management had sustained loss and the industry itself was suffering a set-back. The promoters of the strike went to the extent of even molesting and threatening with physical violence the loyal workers of the mill. Chandy Ouseph, Nedlampath Velappan, Parekadan Rapai, Chungathu Vareed Antony, Plavalappil Kunjayyappan, Marokki Kochumariam and Chakkalakkal Therissia were

the persons who were taking the leading part in the matter of openly and forcibly preventing the other workers from attending to work. The management had received reports from the maistry Sankaran Kunchunni about the misconduct of some of the workers and several complaints individually and collectively from the other workers of the concern. The 24 workers, who were dismissed, began to commit all the misconduct at the very sight and hearing of the proprietor himself. On 13-11-1959 Chiramel Rapai. Veshaparampan Pyloth, Mannan Velayudhan and Kuttukkaran Kochappan who were working in the oil mill abruptly left the mill leaving the copra and other things there and they were doing their work in an unusually slow manner as a result of which the management suffered a loss, inasmuch as, instead of crushing 36 sacks of copra that is used to be crushed per day, only 26 sacks of copra alone was crushed that day. The evil designs of the above workers reached its zenith when on 14-11-1959 when they went for meals after stopping work at 12-20 (noon) and when the management tried to operate the oil mill it was found that there was some mechanical trouble. On inspection it was found that iron bolts were inserted into the chucks (crusher) and a blade was placed across the cutter and that the timely action averted heavy loss to the machinery and danger to the persons working there. Therefore the management issued show cause notices to the 4 workers namely, Valappila Chakkunny, Kuttukkaran Kochappu, Vazhapparampan Pyloth, Chiramel Rapai who were in charge of the above chucks (nine in number) and the cutter. The Welfare Assistant, Trichur was also personally convinced about this grave mischief. It is over and above all those acts of bad faith that the Union launched the illegal strike, and as a result of it the management suffered a loss to the tune of Rs. 10,000. The promoters obstructed customers from dealing with the management and prevented transportation of goods into and out of the mill. The management, after trying all other means, was canstrained to issue show cause notices|charge sheets to 20 workmen on 18-11-1959. At that time about 600 bags of paddy were in boiled and soaked stages and the above workers pursued their subversive activities. As the managing proprietor had personally inspected the inserting of bolts in the crusher and cutter and had personally seen and noticed the workers committing various misconducts, he issued orders to the 24 workers dismissing them from service on 20-11-1959. A clerical mistake was crept in with regard to the date of dismissal. Instead of putting 20-11-1959, it was wrote as 19-11-1959. This mistake was brought to the notice of the District Labour Officer, Trichur. No domestic enquiry was deemed necessary since the proprictor was personally convinced of the misconducts and since these workmen did not deny the charge or offer any explanation. Further, the fact that no enquiry was conducted in respect of the 24 workers, is of no consequence in this case because the management could adduce the necessary evidence before this Court. The dismissal of the above workers is not at all illegal, unjust or opposed to natural justice. Out of the 24 workers, Kallikkadan Ouseph and Parakkal Valllamma were appointed afresh. The remaining 22 workers are employed elsewhere in various works. Above all, the management has lost confidence in the above workers. Their reinstatement would impede the progress and normal working of the mill. None of the said 22 workers is entitled to be reinstated with or without back wages.

The allegation made by the Union that the management declared a lock-out from 18-11-1959 is denied. The management had never declared any lock-out. The work was carried with the help of willing and loyal workers. Various amounts are due to the management from all the workers as loans. The workmen are not entitled to any wages for 17-11-1959 and 18-11-1959 for the simple reason that the strike was illegal and unjustified.

This dispute is not an industrial dispute in view of the fact that the majority of the workmen have not sponsored this dispute.

It is therefore prayed that an award be passed upholding the contentions of the management.

The Union has filed a rejoinder reiterating the allegations in their statement and controverting the contentions of the management.

The issues arising for determination are:—

(1) Is the dismissal of T. V. Thomas and U. R. Lonappan justified or not?

(2) Is the dismissal of the 24 workers mentioned in the order of reference justified or not?

(3) To what reliefs are they entitled in either case?

(4) Are the workers entitled to any wages for the 16th, 17th and 18th of November, 1959?

Issue No. 1:—

T. V. Thomas and U. R. Lonappan stand charged with a serious misconduct namely, that they conducted themselves in an unruly manner and they manhandled another worker Kochappan Antony (EW1) within the mill premises. Ext. E1 dated 15-10-1959 is a written complaint given by Antony about the incident to the management. Immediately the management issued Exts. E9 and 9(a) show cause notices to the workers. Ext. E8 dated 19-10-1959 is the charge sheet. As per the charge sheet the management posted the enquiry to 24-11-1959 and issued Ext. E11 notice dated 19-11-1959. But it is seen from Ext. E12 dated 20-11-1959 that the Union informed the Management that the workers will not be attending the enquiry. But the management conducted the enquiry as scheduled in spite of Ext. E11 communication from the Union. Ext. E2 is the proceedings of the enquiry. The complainant and other witnesses who saw the incident were examined at the enquiry. As a result of the enquiry, the management found the delinquents guilty of the charges levelled against them and consequently Exts. E13 and 13(a) orders were issued dismissing these workers from service. On a reading of Ext. E2 proceedings I am satisfied that the view taken by the management is a possible view on the evidence before them. No vitiating circumstance is brought to my notice also. The evidence of the management's witnesses stands unchallenged. If the workers did not take part in the enquiry deliberately, they have only to thank their stars. Over and above the complainant's evidence as EW1, an eye witness was examined before me as EW2 and I believe him. For the reasons stated above I hold that the action of the management in dismissing the said two workers is perfectly justified and they are not entitled to any reliefs. Issue found accordingly.

Issue No. 2:—

This issue relates to the justifiability or otherwise of the dismissal of 24 workers. Of the said 24 workers it is admitted that Kallikadan Ouseph and Parakkal Valliamma, the 15th and 18th named workers

respectively in the reference order, were re-entertained by the management. So I need consider the case of the remaining 22 workers only in the second category. On 17-11-1959 the union launched a strike and paralysed the working of the mill. The union's case is that the strike was in furtherance of an industrial dispute and that it was launched only after proper notice. But the management would have it that the strike was illegal and that no strike notice was issued. The union has not produced anything to show that a strike notice as such was ever issued. According to the union the strike was resorted to on the failure of their attempts through other methods to persuade the management to give up their action against T. V. Thomas and U. R. Lonappan. But Lonappan swears as WW2 "strike നടത്തിയിരുന്നതു് സ്വന്തമായാണു്. ഇട ഞ്ഞായതു്." This would show that strike was not launched in furtherance of any dispute. Therefore the strike, though cannot be said to be illegal is not a justifiable one. Immediately after the launching of the strike, i.e., on 18-11-1959 the management issued notices to 21 workers to show cause within 24 hours why action should not be taken against them for certain acts of misconduct namely, that they were not doing any work in the mill, that they strictly prevented the loyal workers from attending to their work, and that due to their obstruction the management had to refund the price of oil and rice sold to customers and suffer other losses. The copy of the notice is marked as Ext. E20. On the 20th instant the management issued Ext. E19 order dismissing 24 workers for the misconducts referred to above.

Admittedly no enquiry was conducted regarding the above charges. The reason alleged by the management for not conducting the enquiry is that all the above misconducts were committed at the very sight and hearing of the managing proprietor and hence no enquiry was deemed necessary. It is also alleged that more than 600 bags of paddy were in soaked and boiled stages and that the said action was necessary to avert further huge loss. The management further contends that they could substantiate the above charges and offered to adduce evidence before me. Though there is an argument advanced by the union that the dismissal was made on the 19th November itself (i.e., to say even before the expiry of 48 hours fixed in the notice) I find from Exts. E23 series (certificates of posting) that the orders were sent only on the 20th. The management have let in evidence in general and with regard to some of the workers in particular. Ext. E4 is a receipt executed by EW3, a cartman, on receipt of Rs. 2-8-0 which amount had to be paid by the management on account of loss sustained by the former and Ext. E3 is the voucher regarding the payment. Further EW3 swears that he was forcibly obstructed from taking the rice sold. Ext. E6 is a statement dated 17-11-1959 given by 12 loyal workers regarding the obstructionist activities of 22 workers. WWs 4 and 5 prove Ext. E6. Ext. E7 is a statement given by EW5, the maistry, regarding Maroki Kochumariam and Chakalkkal Thrasia wherein he complains about their insubordination. Five of the workers stand charged with serious misconduct of subversive activities. Ext. E14 is a notice issued to four chuck workers by name Vazhaparampan Pyloth, Valapila Chakkunni, Mannan Velayudhan and Chiramel Rappai (the 8th, 6th, 10th and 11th named workers) accusing them of having left the chucks abruptly and against previous practice

and thereby caused heavy loss to the management. EW5 the maistry swears that "ചക്ക നിർത്തിപ്പോയാൽ വലിയ നഷ്ടമാണ്. എണ്ണ വറ്റിപ്പോകും. കൂടാതെ രണ്ടാമതും നടത്തുമ്പോൾ വീണ്ടും ചൂടായി വരണം". The above incident was on the 13th of November 1959. On the 14th November Vazhaparampan Pyloth, Valappill Chakkunny, Chiramel Rappai and Kuttookaran Kochappan were in charge of the mill. The case of the management is that when they repeated the previous day's conduct the management deputed some other workers to run the mill lest it may cool down and lead to loss and as soon as the chucks were operated, a noise was heard and some mechanical trouble was noticed and hence the chucks were switched off. On inspection it was found that bolts were inserted inside the chucks and a blade was placed across the cutter. The management immediately sent Ext. E16 letter to the union and Ext. E17 show cause notices to the concerned workmen. EW5 the maistry swears "ചക്ക കറങ്ങാൻ തുടങ്ങിയപ്പോൾ വലിയ ശബ്ദം കേട്ടു. ഞാനും ഉണ്ടായിരുന്നു. ശബ്ദം കേട്ട് നിർത്തി നോക്കിയപ്പോൾ അഞ്ച് ചക്കകളിൽ വലിയ ബോൾട്ട് താഴ്ത്തി വച്ചിരുന്നതായി കണ്ടു. അതുപോലെതന്നെ അരിഞ്ഞുവച്ചിരുന്ന കൊപ്രായിലും കണ്ടു. കൊപ്രാ വെട്ടുന്ന കട്ടറിന്റെ കീഴിൽ ഒരുമുഴം നീളമുള്ള ഒരു blade കയറ്റി വച്ചിരുന്നു. ചക്ക് ഉടനെ നിർത്തിയില്ലായിരുന്നെങ്കിൽ ചക്കകൾക്ക് കേട് സംഭവിക്കുമായിരുന്നു. കൂടാതെ ആളുകൾക്ക് അപായം ഉണ്ടാകുകയും ചെയ്യുമായിരുന്നു." The managing proprietor also swears to the above case as EW6. On that day the managing proprietor was also present inside the mill premises. The above case of the management cannot but be believed in as much as Exts. E16 and 17 notices were issued long before the strike. No management could tolerate such subversive acts. I therefore come to the conclusion on the evidence before me that the action of the management against the said four workers is perfectly justified and they are not entitled to any reliefs.

So also the management has got a definite case of a similar act of vandalism against the hullerman Parakadan Rappai, the 23rd named worker in the order of reference. The case is that on 16-11-1959 the fan attached to the huller was damaged and that was due to the deliberate loosening of the bolt. EW4 says "അതിന് മുൻപ് ജോലി ചെയ്തിരുന്നവർ nuts ഊരിയിട്ടതുകൊണ്ടായിരിക്കും പൊട്ടിപ്പോയത്. അന്ന് ജോലിചെയ്തിരുന്നത് പാറക്കാടൻ റപ്പായിയാണ്" When he was asked in cross examination he says "ഇതിന് മുൻപ് ഇതിന്റെ nut ലൂസ്സാകുന്നതാണോ" he says "ലൂസ്സ് ആകുന്നതല്ല. ഇത് നട്ട്, സ്പാനർകൊണ്ട് മുറുക്കാവുന്നതും അഴിക്കാവുന്നതുമാണ്. Nuts മുറുക്കി Pin ഇടുന്നതുകൊണ്ട് ഒരിക്കലും അഴിയുകയില്ല." Ext. E22 is the complaint given to the management by the Huller room supervisor. The above also is an act which could not be tolerated. I therefore, on the strength of evidence before me, find that the dismissal of Parakaddan Rappai also is justified and he is also not entitled to any reliefs.

With regard to the remaining 17 workers from the above-said 22 workers excepting their participation in the strike there is no specific charge or proof of having committed any misconduct. It is true that Exts. E26 to 28 judgments reveal that Parakadan Rapai, Kottukaran Kochappu and Plavalappil Kunju Iyappan were convicted for forcible obstruction and for exceeding the limits of trade union activities. But dismissals from service for the above is too harsh and hence these 17 workers (i.e., Nos. 1 to 5, 9, 10, 12 to 14, 16, 17, 19 to 22 and 24 in the reference order) are entitled to be reinstated and I order accordingly.

Issue No. 3:—

Though I order reinstatement of the above said 17 workers, I take note of the fact that the management had to suffer loss due to the unexpected launching of the strike without any notice especially in the nature of the business carried on by them. WW1 swears "സാധാരണ ഒരു പുഴുക്കിന് 250 പറ നെല്ലാണ്. അങ്ങനെ 6, 7 പുഴുക്ക് ദിവസം കണ്ണും" From this one can more or less guess the nature and extent of the loss that was occasioned. The paddy which was in soaked and boiled stages would have become useless unless it was dried and husked in the usual course. Considering the above position I allow only ½ (half) the back wages to those 17 employees who are ordered to be reinstated. Issue found accordingly.

Issue No. 4:—

It is admitted by the management that the workmen who worked on 16-11-1959 have not received their wages for that day. But they say that various amounts are due from the workers and that even if one day's wages are adjusted, still amounts are due to the management. So I hold that the workers, who actually worked on 16-11-1959, are entitled to the wages for that day, of course without prejudice to the right of the management to adjust if any amounts are due to them. So far as the wages for the 17th and 18th are concerned, since the strike was unjustified and since no lockout was declared, I hold that the workers are not entitled to any wages for those two days. Issue found accordingly.

In the result, I pass an award as indicated above. Both parties will bear their respective costs. This will take effect on the expiry of 30 days from the date of its publication in the Government Gazette under section 17 of the Industrial Disputes Act, 1947.

Quilon,
24-8-1960.

P. SANKU PILLAI,
Presiding Officer.

APPENDIX

Witnesses examined on behalf of the Union:

WW1 Ouseph
WW2 Lonappan
WW3 Jose.

Witnesses examined on behalf of the Management:

EW1 Antony
EW2 Annamma.

EW3 Rappai
EW4 Jacob
EW5 Kunjunni
EW6 Mooken Kochuouseph Antony.

Exhibits marked on the side of the Union:—

Ext. W1	Copy of letter dated 15-11-1959 from the Union to the Management.
,, W2	Letter dated 4-11-1959 from the A.L.O., Trichur to both the Union and Management.
,, W3	Letter dated 27-10-1959 from the A.L.O., Trichur to the Management.
,, W4	Copy of letter dated 26-10-1959 from the Union to the Management.

Exhibits marked on the side of the Management:—

Ext. E1	Complaint dated 15-10-1959 submitted to the management by Kochappu Anthony.
,, E2	Enquiry proceedings dated 24-11-1959 against T. V. Thomas and U. R. Lonappan.
,, E3	Explanation dated 28-11-1959 by Jose.
,, E4	Receipt for Rs. 2-8-0 dated 17-11-1959 given to the management by Theyyalakkal Devassy Rappai.
,, E5	Voucher for Rs. 2-8-0 dated 17-11-1959.
,, E6	Statement dated 17-11-1959 by Jacob
,, E7	Complaint dated 13-11-1959 from Kunjunni.
,, E8	Inspection order.
,, E9	Copy of notice dated 17-10-1959.
,, E9(a)	Copy of notice dated 17-10-1959.
,, E10	Copy of letter dated 22-10-1959 from the management to the Union.
,, E11	Copy of notice dated 19-11-1959.
,, E12	Letter dated 20-11-1959 from the union to the management.
,, E13	Copy of dismissal order dated 24-11-1959 issued to Thariyan Vareed Thomas.
,, E13(a)	Copy of dismissal order dated 24-11-1959 issued to Ookken Rappai Lonappan.
,, E14	Copy of notice dated 14-11-1959.
,, E15	Letter dated 15-11-1959 from the Union to the Management.
,, E16	Copy of letter dated 15-11-1959 from the management to the union.
,, E17	Copy of notice dated 15-11-1959 from the management.
,, E18	Copy of application dated 17-11-1959 sent to the D.L.O., Trichur.

Ext. E19	Copy of dismissal order dismissing 24 workers.
,, E20	Show cause notice dated 18-11-1959.
,, E21	Copy of complaint dated 17-11-1959
,, E22	Statement dated 16-11-1959 by Kochappu Devassy.
,, E23 Series 8 in No.	Certificates of posting.
,, E24	Copy of letter dated 23-10-1959 from the union to Kochappu Anthony.
,, E25	Letter dated 23-10-1959 from the union to C. K. Antony.
,, E26	Certified copy of judgment of the Special 1st Class Magistrate's Court in respect of Rappai.
,, E27	Do. in respect of Kochappu.
,, E28	Do. in respect of Plavilappil Ayyappan.

Kerala Gazette No. 40 dated 11th October 1960.
PART I

Health and Labour Department (Labour)

NOTIFICATION

No. 64233|L5|60-1|H&LD. *Dated, Trivandrum, 21st September 1960.*

The award of the Labour Court, Quilon in respect of the dispute between the Management of Baliapatam Tile Works. Ltd., Pappinisseri, and their workmen represented by the Secretary, Baliapatam Tile Workers' Union, Pappinisseri, received by Government on 19-9-1960 is hereby published under Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,

V. V. JOSEPH,
Secretary.

Before the Labour Court, Quilon

Present

SRI P. SANKU PILLAI, B.A. & B.L.

In

INDUSTRIAL DISPUTE No. 14|1960

Between

THE MANAGEMENT OF

BALIAPATAM TILE WORKS LTD., PAPPINISSERI

And

THE WORKMEN OF

THE ABOVE CONCERN REPRESENTED BY THE SECRETARY, BALIAPATAM TILE WORKERS' UNION, PAPPINISSERI

AWARD

This industrial dispute between the above parties was referred to me by Government for adjudication under Section 10(1)(c) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947) by order No. 19408|L5|60-1|H&LD dated 19-4-1960. The question referred for adjudication relates to:—

"Dismissal of Sri Panneri Kannan"

The case put forward by the Union in their statement is the following:—

Sri Panneri Kannan is a permanent workman who has put in ten years of continuous service under the management as a sorter. He was dismissed by the management with effect from 26-11-1959 by an order dated 25-11-1959. The charges alleged against the worker in the dismissal order are that he indulged in go slow policy and instigated his co-workers also to go slow in their sorting work. The charges alleged against the worker are false and that he is not guilty of any misconduct. No enquiry has been conducted into the charges alleged against the worker. The management has not given the worker an opportunity to

submit his explanation. Sri Panneri Kannan is an office bearer of the Union and actually the management has victimised this worker for his trade union activities. The action of the management is highly unjust and arbitrary, and it amounts to an unfair labour practice. No work-load has been fixed in the sorting department. Prior to the dismissal of the worker the management issued memos to this worker and some of his co-workers alleging that they have been careless in their work and threatening to take action against them. The said memos were issued only to harass the workmen and the allegations therein were false. The workmen however out of abundant caution have been continuing to do the sorting work in such a way that their employer may have no complaint whatsoever. But in spite of this fact, the management dismissed Sri Panneri Kannan from service on extremely flimsy grounds. Some of his co-workers were later coerced by the management to sign statements saying that Sri Panneri Kannan had instigated them to go slow in their work. These charges against the worker have not been proved and cannot stand the test of evidence.

It is therefore prayed that an award be passed reinstating Sri Panneri Kannan with back wages and also costs to the Union.

In the reply statement filed by the Management the following contentions are raised:—

The reference is without substance and jurisdiction. The Union is not entitled to any relief. The worker Sri Kannan was dismissed from service on 26-11-1959 after charges had been framed against him for serious misconduct and after a full enquiry was conducted and the worker given a full opportunity to defend himself. The worker concerned, who along with 3 others had for years been doing the same work, went on a deliberate policy of carelessness in sorting out flooring tiles coming out from the kiln. This was a joint action by this worker and another. After enquiry they were given a written warning on 19-11-1959. Apparently as a protest to this warning Sri Kannan incited and induced the other 3 co-workers to adopt a deliberate go slow policy. As a result of this, the tiles and ridges to be sorted out between 19-11-1959 and 23-11-1959 accumulated to the enormous extent of 10,050 of the former and 443 of the latter. Thus the kiln unloading was almost at a stand still and the general working of the factory was nearly paralysed. At the end of the day's work on 19-11-1959 the go slow policy of the worker was noticed and the management gave the worker and the three other workers detailed for sorting, namely, Kunhambu, Ibrahim and Kunhappa Nambiar a memo on 20-11-1959 warning them of the serious consequences that would result from their action and advising them to desist from their go-slow policy immediately. On the same day and the day following, the managing partner called in the 4 workers concerned, advised them against resorting to such unhealthy activities and pointed out the serious consequences that would ensue should they persisted in their ill-advised action. Even during this interview, Panneri Kannan was obdurate in his attitude. Instead of profiting by this written and oral advice all the 3 workers under instigation from Sri Kannan continued their go-slow policy. A charge sheet was therefore issued to all the 4 workers concerned on 23-11-1959. In reply to the charge sheet one of the workers confessed his guilt and stated that he was forced by Sri Kannan to adopt a go-slow policy. An enquiry on the

above charges was held on 24-11-1959 and 25-11-1959. At the enquiry it was clearly proved that all the workers had indulged in a go-slow policy and that Sri Kannan was responsible for the same and that the policy had been adopted at his instance and on his pressure. Sri Kannan persisted in his attitude of denial while the other workers expressed regret and undertook to perform their duties thereafter without any complaint whatsoever. On the evidence on record and on the clear facts proved at the enquiry, Sri Kannan was dismissed from service on 26-11-1959 and the other 3 workers were let off with severe warning. The dismissal of Sri Kannan was an imperative necessity for the reason that if immediate action had not been taken the working of the factory as a whole would have been paralysed. There has been absolutely no accumulation of any work after Sri Kannan was dismissed. The record of his work during the years of service with the company was unsatisfactory as a whole. As the dismissal has been after a proper enquiry, the Union is not entitled to any relief whatsoever. The statement that Sri Kannan was victimised and that there was unfair labour practice is false. The 4 workers mentioned above used to finish all their work even one hour before closing time even when all the kilns were working full load. On no occasion had it become necessary to have an extra hand as the work was invariably finished before time.

It is therefore prayed that an award be passed upholding the contentions of the Management.

The Union has filed a rejoinder reiterating the allegations in their statement and controverting the contentions of the Management. They further add that the contentions of the Management that the reference is without substance and without jurisdiction is incorrect and unsustainable in law or on facts. The allegation that a worker had confessed his guilt is not true. The management coerced some of the workers who were charge-sheeted to sign certain statements admitting the charges against them and others. The said statements were not made voluntarily and therefore cannot be made use of against the worker.

The issues that arise for determination are:—

(1) Whether the dismissal of the worker Sri Pamerl Kannan is justified or not?

(2) To what relief is he entitled in either case?.

Issue No. 1:—

The workman concerned was working as a sorter in the management concern. The charge levelled against him is that he indulged in a 'go slow' policy and he instigated his co-workers also to 'go-slow' in their sorting work. The definite case of the union is that the worker concerned is a member of the working committee of the union and the dismissal in question is only a sheer act of victimisation and unfair labour practice. But EW1, the manager of the factory, would pretend ignorance about the membership of Kannan in the working committee in spite of Ext. W3 notice dated 26-11-1959. Ext. E15 is the charge sheet under which Kannan and three other workers are accused of the misconduct of pursuing a policy of 'go slow' which led to the accumulation of tiles in the sorting section. Ext. E15 refers to certain previous misconducts also. The previous misconduct referred to was negligence and carelessness in sorting and classifying tiles according to grade.

The worker by name Korampil Ibrahim sent Ext. E17 reply admitting his misconduct and putting the entire blame on Kannan, saying that the latter prevailed upon him to 'go slow'. The other three workers have given a joint reply, Ext. E18, saying that after the receipt of the previous notice Ext. E2 accusing them of negligence in classification, they were doubly cautious with a view to avoid any such accusation in future. They had to carefully scrutinise the tiles which consequently affected the turn out of the work. Not being satisfied with the explanation the management issued Ext. E19 notice dated 24-11-1959 calling upon the workers concerned to present themselves for enquiry at 4 p.m. that day. Pursuant to the notice, Kannan presented himself for the enquiry.

According to the Union, no enquiry was conducted and the accepted principles of natural justice were violated. No enquiry report is produced in this case. The alleged enquiry is sought to be proved by Exts. E20 to E23. Ext. E20 is stated to be a statement given by Kannan. It is not signed by him. Exts. E21 to E23 are the statements of the other three workers. Kannan as WW1 swears that at the time of the enquiry, the workers were called inside their office one by one. He says "ഞാൻ അവിടെ ചെന്നപ്പോൾ മാനേജർ പറഞ്ഞു ഒരാൾ മാത്രം മുറിയിൽ നിന്നാൽ മതി, ബാക്കിയുള്ളവർ പുറത്തു പോകണം എന്നു്. അങ്ങനെ മൂന്നു ആളുകളെയും വിളിച്ചശേഷം നാലാമതു് എന്നെ വിളിച്ചു.." He also complains that he was not given an opportunity to cross examine the management's witnesses or to examine any witnesses on his side. EW1, the manager swears "The enquiry officer has not asked Kannan whether he wanted to cross examine the management's witnesses nor has he asked him to adduce his evidence". It was not an examination of witnesses in the presence of the accused, with opportunity to cross examine them, that has taken place. The management has taken certain signed statements from his co-accused probably by threat or force. EW1 swears in cross examination as follows "The enquiry officer got statements signed by them at the enquiry". EW2, the maistry says "മററു മൂന്നു പേരും കുററം സമ്മതിച്ചു സ്റ്റേററമെൻറ തന്നു. അവർ മാപ്പു ചോദിച്ചു കൊണ്ടു സ്റ്റേററമെൻറ തന്നു. ആ മൂന്നു സ്റ്റേററമെൻറും പിറേറ ദിവസം കണ്ണനെ വായിച്ചു കേൾപ്പിച്ചു." The dismissal order, Ext. E25 also strengthens the version of the maistry. It is stated in Ext. E25 as follows "മാനേജിംഗ് പാർട്ണറുടെ മുൻപിൽ മററു തിരിപ്പൻ പ്രവൃത്തിക്കാർ എഴുതികൊടുത്ത സമാധാനത്തിൽ സാവധാനപ്രവൃത്തി ചെയ്യാൻ (go slow policy) പണ്ണേരി കണ്ണൻ നിർബന്ധിച്ചിരുന്നു എന്നു പറഞ്ഞിരിക്കുന്നു" Such statements given behind the back of the accused worker are no evidence against him and the management has violated the rules of natural justice in acting upon such prepared statements and punishing him. It is also clear that apart from getting these same type of signed statements, the contents of which were known only to the management, no enquiry whatsoever was conducted. Ext. E25 order does not make mention of any enquiry conducted on any particular date. According to EW2, the maistry, the enquiry lasted for two days. The signed statements, Exts. E21 to E23 bear the date 24-11-1959. There is no knowing

what remained to be enquired on the next day. EW1, the manager, does not speak to the conducting of any enquiry on 25-11-1959. EW1, the manager, asserts that the maistry also was examined at the enquiry. But curiously enough the maistry swears before me as follows "Enquiry ദിവസം എന്നോട് ഒന്നും ചോദിച്ചില്ല." Further down he would say "കണ്ണൻ നമ്പൂരി, ഇബ്രാഹിം ഇവർ രണ്ടുപേർക്കു കൊടുത്തതും enquiryക്കു മുൻപാണ്. Enquiry ദിവസം കണ്ണൻ നമ്പൂരിയും ഇബ്രാഹിമും ഒരു സ്റ്റേറ്റ്മെൻറു കൊടുത്തില്ല." From all these it could be safely concluded that the management has thrown all the sacred principles of natural justice to the wind and the alleged enquiry, if any, was only a farce. It is also to be noted that the enquiry notice was served upon him while he was on duty on the very date of the enquiry. The management cannot take the worker by surprise in the above manner without giving him a reasonable opportunity to defend himself or vindicate his stand.

It has come out in evidence that the worker concerned is a member of the working committee of the Union and also a member of the works committee. It is nobody's case that he instigated all the members of the Union to adopt 'go slow' policy. There is no doubt that the action of the management, in these circumstances, was only an act of victimisation and unfair labour practice. For the reasons stated above I hold that the dismissal of the worker concerned is quite unjustified and he is entitled to be reinstated, and I order accordingly. Issue found accordingly.

Issue No. 2:—

In view of my finding on Issue No. 1, I don't see any reason why I should not allow backwages. I therefore allow the worker concerned full backwages.

In the result, I pass an award reinstating Sri Panneri Kannan with full back wages. The parties are directed to bear their respective costs. This will take effect on the expiry of 30 days from the date of its publication in the Government Gazette under Section 17 of the Industrial Disputes Act.

Quilon,
15-9-1960.

P. SANKU PILLAI,
Presiding Officer.

APPENDIX

Witnesses examined on behalf of the Union:—

WW1 Panneri Kannan.

WW2 K. Karunakaran.

Witnesses examined on behalf of the Management:—

EW1 Devadas Aaron.

EW2 M. Benchimin.

Exhibits marked on the side of the Union:—

Ext. W1 Notice dated 16-11-1959 from the management to Panneri Kannan.

" W2 Copy of letter dated 18-11-1959 given to the management by Panneri Kannan.

Ext. W3	Copy of letter date 26-11-1959 from the Union to Management.

Exhibits marked on the side of the Management:—

Ext. E1	Report dated 16-11-1959 from the maistry.
,, E2	Copy of show cause notice issued to Panneri Kannan.
,, E3&4	Explanation dated 18-11-1959 of Panneri Kannan and Pateri Valia Kunhambu.
,, E5&6	Copies of memos issued to Panneri Kannan and Pateri Valia Kunhambu to attend a personal enquiry on 19-11-1959.
,, E7&8	Records of the personal enquiry conducted on 19-11-1959.
,, E9	Copy of warning memo issued to Panneri Kannan and Pateri Valia Kunhambu.
,, E10	Report dated 30-11-1959 from the maistry.
,, E11	Copy of memo dated 20-11-1959 issued to Panneri Kannan and 3 others.
,, E12	Reply dated 20-11-1959 from the 4 workers to the management.
,, E13	Report dated 20-11-1959 from the maistry.
,, E14	D. 21-11-1959.
,, E15	Copies of charge sheets dated 23-11-1959 issued to Panneri Kannan, Kolikal Kunhappa Nambiar, and Korambil Ibrahim.
,, E16	Report dated 23-11-1959 from the maistry.
,, E17	Letter dated 24-11-1959 from Korambil Ibrahim.
,, E18	Joint replies dated 24-11-1959 form Panneri Kannan and 3 others
,, E19	Memo dated 24-11-1959 from the management to the 4 workers.
,, E20 to 23	Signed statement dated 24-11-1959 of Panneri Kannan and 2 others recorded during the personal enquiry held on 24-11-1959.
,, E24	Report dated 25-11-1959 from the maistry.
,, E25&26	Copies of the order of dismissal—Panneri Kannan.
,, E27&28	Reports dated 26-11-1959 and 27-11-1959 from the maistry.
,, E29	Copy of memo dated 1-12-1959 issued to Korambil Ibrahim and 2 others.
,, E30	Do. in English.